

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

LAVERIS TOWNSEND, SR., et al.,)	
)	Case No. 1:19-cv-275
<i>Plaintiffs,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Christopher H. Steger
HUBERT E. HAMILTON and HAMILTON)	
COUNTY, TENNESSEE,)	
)	
<i>Defendants.</i>)	

MEMORANDUM AND ORDER

On December 2, 2019, United States Magistrate Judge Christopher H. Steger filed his report and recommendation (Doc. 5) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Steger recommended that the complaint be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim and that Plaintiffs’ application to proceed *in forma pauperis* (Doc. 2) be denied as moot. (Doc. 5, at 1.) Plaintiffs did not file timely objections to Magistrate Judge Steger’s report and recommendation¹ After independently reviewing Plaintiffs’ complaint and the report and recommendation, the Court agrees with Magistrate Judge Steger’s well-reasoned conclusions and his stated reasons for recommending dismissal of Plaintiffs’ claims without prejudice.

¹ Magistrate Judge Steger specifically advised Plaintiffs that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive his right to appeal. (Doc. 5, at 4 n. 4); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.

Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 5) pursuant to 28 U.S.C. § 636(b)(1), **DISMISSES** this action **WITHOUT PREJUDICE**, and **DENIES** Plaintiffs' application to proceed *in forma pauperis* (Doc. 2) **AS MOOT**.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE